

IN THE UNITED STATES COURT
OF APPEALS
FOR THE THIRD CIRCUIT

Case No: 05-1222

LYNETTE M. PETRUSKA,

Appellant

v.

GANNON UNIVERSITY; THE BOARD OF TRUSTEES OF
GANNON UNIVERSITY; WILLIAM I. ALFORD, II;
ROBERT H. ALLSHOUSE; JOSEPH F. ALLISON;
MICHAEL P. ALLISON, REV.; JAMES A. BALDAUF;
L. SCOTT BARNARD; GEORGE J. BEHRINGER;
ARNOLD E. BERGQUIST; LAWRENCE E. BRANDT,
REV. MSGR.; ROBERT L. BRUGGER, REV. MSGR.;
DONALD M. CARLSON; DANIEL C. CARNEVAL, D.O.;
STEPHANIE DOMITROVICH, HON.; THOMAS L. DOOLIN;
JAMES J. DURATZ; ANTOINE M. GARIBALDI; THOMAS
C. GUELCHER; WILLIAM M. HILBERT, SR.; BRIAN
J. JACKMAN; JAMES W. KEIM, JR.; MARY RITA
KUHN, SR., SSJ; THOMAS J. LOFTUS; ANNE C.
MCCALLION; JOSEPH T. MESSINA; MICHAEL J.
NUTTALL; JOHN E. PAGANIE; DENISE ILLIG ROBISON;
JAMES J. RUTKOWSKI, JR.; JAMES A. SCHAFFNER;
HELEN M. SCHILLING, M.D., D.D.S.; JOHN M.
SCHULTZ, VERY REV.; ROBERT J. SMITH, REV.
MSGR.; LAWRENCE T. SPEICE, REV. MSGR.;
WILLIAM C. SPRINGER; JAMES G. TOOHEY; DONALD
W. TRAUTMAN, BISHOP; ANASTASIA VALIMONT, SR.
SSJ; RICARDA VINCENT, SR. SSJ; MELVIN WITHERSPOON;
ALL OTHER KNOWN AND UNKNOWN MEMBERS OF THE BOARD
OF TRUSTEES OF GANNON UNIVERSITY DURING THE
TENURE OF DONALD W. TRAUTMAN, as members of the
Board of Trustees of Gannon University; DAVID
RUBINO, MSGR., in their individual and official

capacities; NICHOLAS ROUCH, REV., in their
individual and official capacities

On Appeal from the United States District Court
For the Western District of Pennsylvania
(D.C. Civ. Action No. 04-80)
District Judge: The Honorable Sean J. McLaughlin

Argued August 16, 2006

BEFORE: SMITH, COWEN, and GREENBERG

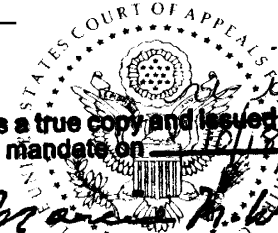
JUDGMENT

This cause came to be heard on the record from the United States District Court for the Western District of Pennsylvania and was argued on August 16, 2006. On consideration thereof, it is now ORDERED and ADJUDGED that the judgment of the District Court entered on December 17, 2004, be and the same hereby is AFFIRMED IN PART and REVERSED IN PART. The matter is REMANDED for further proceedings consistent with the opinion of this Court. The parties shall bear their own costs.

ATTEST:

Marcia M. Waldron
Clerk

Dated: September 6, 2006

 *issued*
Certified as a true copy and issued in lieu
of a formal mandate on 10/18/06
Marcia M. Waldron
Teste: A True Copy
Clerk, U.S. Court of Appeals for the Third Circuit
Marcia M. Waldron
Marcia M. Waldron, Clerk